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09/678,313	10/03/2000	Christopher W. Blenk	58259.000002	5724

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Hunton & Williams  
1900 K Street, N.W.  
Washington, DC 20006-1109

EXAMINER
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COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/678,313

Applicant(s)

BLINK, CHRISTOPHER W.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on April 19, 2004. Claims 1, 7, 15, 18 and 22 have been amended. Claims 35 and 36 have been added. Claims 1-36 are now pending in this application.

#### ***Response to Amendment***

2. Applicant has amended claims 1, 7, 15, 18, and 22 and added new claims 35 and 36.

The amendment to the abstract is sufficient to overcome the objection set forth in the previous Office Action; therefore, the objection to the abstract is withdrawn.

The amendments to claims 7, 18 and 22 are sufficient to overcome the claim objections set forth in the previous Office Action; therefore, the claim objections are withdrawn.

#### ***Response to Arguments***

3. Applicant did not make any arguments in the Remarks concerning the 35 U.S.C. 103(a) and 35 U.S.C. 102(e) rejections of pending claims 1-34.

#### ***Claim Objections***

4. Claim 36 is objected to because of the following informalities: Claim 36, a method claim, improperly depends from claim 1, a system claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, 5, 8, 10-12, 15, 16, 18, 19, 22, 24-26, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurzrok (U.S. 6,260,064).

As per claims 1 and 15, Kurzrok discloses a system and method for providing reader-supplied evaluation of a sample of an authored work for potential publication of the work comprising:

an author interface module, operably connected to the Internet, for receiving a portion of a work from an author to be reviewed via the Internet (abstract; col. 2, lines 33-57; item 20 in Figure 1; Figure 2; A content input device allows users to enter works for display on a web site.);

storage means for storing the work along with other works for review (col. 2, lines 33-57; item 16 in Figure 1; The system has a memory device for storing work for review.);

a reader interface module for receiving a request from a reader to review a work (col. 3, lines 33-40; Figure 3; A reader interacts with the web site to request and review content.);

work presentation means for presenting a portion of a work to the reader based on the reader's request (col. 2, lines 33-57; col. 3, lines 33-40; Figures 1-3; The web site presents to a reader the requested information.);

security means for implementing at least one security mechanism to limit the ability of users to plagiarize the work (col. 5, lines 1-8; The system employs a security mechanism to ensure only authorized users have access to the system.);

a review receiving module for receiving evaluation of the work from the reader and placing the review in the storage means associated with the work (col. 3, lines 41-51; Figure 3); and

criteria determination means for determining whether the work meets predetermined reader-satisfaction criteria (col. 3, line 65-col. 4, line 60; The system receives a reader's ratings and determines whether the work meets predetermined reader-satisfaction criteria (i.e., how the current reader found the article to be).).

As per claims 2 and 16, Kurzrok discloses the system and method of claims 1 and 15 further comprising analysis means for generating analysis information regarding the work based on the reader-feedback (col. 3, line 65-col. 4, line 60; Figure 4A; The system performs various analyses on the work based on reader-feedback such as cumulative rating percentages.).

As per claims 4 and 18, Kurzrok discloses the system and method of claims 1 and 16 wherein the criteria determination means determines whether a predetermined number of reviews have been made prior to evaluating whether the reader-satisfaction criteria have been met (col. 3, lines 25-27; col. 4, lines 1-10; The system monitors the

number of reviews received for each work and calculates the ratings at regular intervals.).

As per claims 5 and 19, Kurzrok discloses the system and method of claims 4 and 18 wherein the criteria determination means utilizes multiple rounds of criteria and determines whether a predetermined number of reviews has been made for each round prior to evaluating whether the reader-satisfaction criteria have been met (col. 3, lines 25-27; col. 3, line 65-col. 4, line 20; The system monitors the number of reviews received for each work and calculates the ratings at regular intervals.).

As per claims 8 and 22, Kurzrok discloses the system and method of claims 5 and 20 wherein the reader-satisfaction criteria are different for each round (col. 3, lines 25-27; col. 3, line 65-col. 4, line 20; col. 4, lines 52-65; The system monitors the number of reviews received for each work and calculates the ratings at regular intervals and further, assigns weights to the reviews, thus changing the satisfaction criteria.).

As per claim 10, Kurzrok discloses the system of claim 4 wherein the predetermined number of reviews is based on demographics of the readers so that the criteria determination means evaluates the reader-satisfaction criteria after certain numbers of readers from each of a plurality of demographics has evaluated the work (col. 3, lines 20-27; col. 4, lines 1-10; Figures 2, 4B and 4C; The system receives demographic data from users when they submit ratings.).

As per claim 11, Kurzrok discloses the system of claim 10 wherein the work presentation means selects a work from the storage means based on demographics of the reader and the number of readers from each demographic that the work needs to

meet the demographic reader requirements (col. 2, lines 44-49; col. 3, lines 33-34; Figures 2, 4B and 4C; Readers select work that is of interest to them and therefore, is based on the demographic background of the readers.).

As per claims 12 and 26, Kurzrok discloses the system and method of claims 1 and 15 wherein the work presentation means selects a work based on genre selected by the reader (col. 3, lines 33-34; The user selects work relating to a subject of interest.).

As per claim 24, Kurzrok discloses the method of claim 22 wherein the predetermined number of reviews is based on demographics of the readers so that the criteria determination means evaluates the reader-satisfaction criteria after certain numbers of readers from each of a plurality of demographics has evaluated the work (col. 3, lines 20-27; col. 4, lines 1-10; Figures 2, 4B and 4C; The system receives demographic data from users when they submit ratings.).

As per claim 25, Kurzrok discloses the method of claim 24 wherein the work presentation means selects a work from the storage means based on demographics of the reader and the number of readers from each demographic that the work needs to meet the demographic reader requirements (col. 2, lines 44-49; col. 3, lines 33-34; Figures 2, 4B and 4C; Readers select work that is of interest to them and therefore, is based on the demographic background of the readers.).

As per claims 35 and 36, Kurzrok discloses the system and method of claim 1 wherein the at least one security mechanism comprises providing only a portion of the work to limit access of the reader to the entirety of the work (col. 4, line 66-col. 5, line 8;

The system employs a security mechanism to ensure only authorized users have access to the system. Additionally, a work can only be accessed from a database and edited if the correct password is entered.).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 9, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok (U.S. 6,260,064).

As per claims 3, 9, 17 and 23, Kurzrok discloses the system and method of claims 2, 8, 16 and 22, respectively, as discussed above. Kurzrock also discloses the analysis indicating the percentage of readers that considered the work as "excellent" or "good" (col. 3, lines 15-16; col. 4, lines 18-20; Figures 2-4). Kurzrock does not expressly disclose that the readers indicate a willingness to purchase the work. However, an indication of a literary work as "excellent" or "good" conveys a similar favorable sentiment as indicating a willingness to purchase a literary work. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kurzrock to use a willingness to purchase a work as an indicator since it would provide similar analytical results in terms of assessing readers' sentiments towards a work.



9. Claims 6, 7, 13, 14, 20, 21 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzrok (U.S. 6,260,064) as applied above, and Philips et al. (U.S. 6,473,084).

As per claims 6 and 20, Kurzrok discloses the system and method of claims 5 and 19 as discussed above. Kurzrok does not expressly disclose the criteria determination means removes a work from availability for presentation to a reader if the work does not meet the predetermined reader-satisfaction criteria. Philips et al. discloses removing work from presentation to a reader if the work does not meet certain reader-satisfaction criteria (col. 37, lines 6-30) in order to ensure that only work that is considered interesting/desirable by readers is presented on the website (col. 36, line 66-col. 37, line 3; col. 42, lines 19-23). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Kurzrok to remove work that does not meet certain reader-satisfaction criteria because doing so ensures that only work that is considered interesting/desirable by readers is presented on the website, ultimately maintaining reader viewership (Philips et al., col. 43, lines 11-15).

As per claims 7 and 21, Kurzrok does not expressly disclose the system and method of claims 1 and 20 further comprising reader-feedback means for providing reader feedback to the author if a work is rejected to enable the author to revise the work for resubmission. Philips et al. discloses reader-feedback means for providing reader feedback to the author if a work is rejected to enable the author to revise the work for resubmission (col. 10, line 62-col. 11, line 12; col. 36, lines 24-59; col. 38, lines 1-16). At the time of the invention, it would have been obvious to a person of ordinary

skill in the art for the system to use reader-feedback so that the author can revise work for submission because doing so ensures that only work that is considered interesting/desirable by readers is presented on the website, ultimately maintaining reader viewership (Philips et al., col. 43, lines 11-15).

As per claims 13, 14, 27 and 28, Kurzrok does not expressly disclose the system and method of claims 1 and 15 further comprising a membership module that creates a membership for the author prior to work submission that includes a contract in which the member/submitter agrees to pay a percentage of royalties earned from the work when it is published; and wherein the membership module also collects a fee for each submission of a work for review from the member. Philips et al. discloses a membership module where authors agree to a contract that contains various terms and stipulations for submitting work (col. 37, lines 6-42; col. 40, line 59; col. 42, lines 25-54). At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system to have the authors be members who adhere to terms of a contract because doing so ensures a certain standard of quality of submitted work, which provides readers with relevant and interesting reading (Philips et al., col. 43, lines 11-15).

As per claims 29-33, Kurzrok does not expressly disclose the method of claim 15 further comprising the step of assisting in publication online of the work if predetermined reader-satisfaction criteria are established; comprising the step of issuing a certification of approval from a host entity; further comprising the step of licensing the publisher with the right to post the certification with the work. Philips et al. discloses publishing works

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online meeting predetermined criteria, indicating works that have been approved as having a high rating, and licensing works (col. 37, lines 6-48; col. 38, line 17-col. 39, line 64). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to publish online and license the works meeting predetermined criteria and indicating a certification of approval because doing so provides recognition to authors of work considered as having a high quality, thus encouraging authors to submit work of a high quality (Philips et al., col. 43, lines 11-15).

As per claim 34, Kurzrok discloses the method of claim 33 further comprising deriving revenue from the publication of the work (col. 4, lines 48-60; Authors are paid fees for their works that have been presented and rated.).

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:


703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.

  
smc

July 21, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600